

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

SCHEDULING ORDER

10-CR-6153L

v.

BENNIE DAVIS,

Defendant.

Pending before the Court are defendant's Objections (Dkt. #38) to the Report and Recommendation of United States Magistrate Judge Marian W. Payson filed on July 18, 2011 (Dkt. #35). It would be of assistance to the Court if the Government responded to defendant's Objections, especially relating to the search of the Range Rover which the Magistrate Judge found to be properly searched as part of the curtilage of the property subject to the search warrant, as well as defendant's objections to the validity of the warrant on the grounds there were multiple apartments on the premises at 319 Bernard Street.

Defendant also suggests that the Magistrate Judge did not consider that part of the defendant's motion seeking to suppress statements recorded by Officer Swain. Are there such statements and does the Government intend to introduce them at trial? If so, please address the defendant's arguments as contained in his Objections.

Defendant's Objections also referenced certain exhibits introduced at the hearings before Magistrate Judge Payson. The Government should take steps to see that this Court is provided with those exhibits.

The Government's response should be filed within twenty (20) days of entry of this Decision and Order.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
October 3, 2011.